

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE BAIR HUGGER FORCED AIR
WARMING PRODUCTS
LIABILITY LITIGATION

MDL NO. 15-2666 (JNE/DTS)

This Document Relates to:
CHARLES MATHENY, ET AL.,
v.
3M CO., ET AL.
17-CV-3282

ORDER

This matter is before the Court on Plaintiff's motion to substitute the plaintiff in this action (Docket No. 9). Charles Matheny is now deceased. Suggestion of Death, Docket No. 7. Claudia Matheny, administrator of Charles's estate, seeks to be substituted as plaintiff. Defendants do not oppose the motion. Meet and Confer Statement, Docket No. 13.

Federal Rule of Civil Procedure 25(a)(1) states that, upon the death of a party which does not extinguish the claim, "a motion for substitution may be made by any party or by the decedent's successor or representative." Plaintiff has satisfactorily shown that the claims were not extinguished with Charles Matheny's passing and that Claudia Matheny is the proper party to take his place under Maryland state law.

IT IS HEREBY ORDERED that Plaintiff's Motion to Substitute Parties [Docket No. 9] is GRANTED. The Clerk of Court shall substitute Claudia Matheny for Charles Matheny in this action.

Dated: April 29, 2019

s/ David T. Schultz
DAVID T. SCHULTZ
United States Magistrate Judge